

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHELE SPENCE, et al.,

Plaintiffs,

v.

BOSTON SCIENTIFIC CORPORATION,

Defendant.

No. C 11-04961 JSW

**ORDER DISCHARGING ORDER  
TO SHOW CAUSE; VACATING  
CASE MANAGEMENT  
CONFERENCE; AND ORDER RE  
MOTION TO DISMISS**

The Court has received Plaintiffs' response to the Court's Second Order to Show Cause. The Court finds that Plaintiffs have demonstrated good cause for their failure to file an opposition to the motion to dismiss and for their failure to respond to the Court's first Order to Show Cause. Accordingly, the Court HEREBY DISCHARGES the Order to Show Cause without imposing sanctions. However, if this matter is not transferred to the MDL, and if Plaintiffs' counsel misses any deadlines going forward, the Court shall not hesitate to impose monetary sanctions.

The parties also have agreed to stay this action pending transfer to an MDL proceeding. A separate order approving that stipulation shall be entered this date. In light of that stipulation, the Case Management Conference scheduled for February 17, 2012 is VACATED. If this matter is not transferred to the MDL proceeding, the Court shall reset the case management conference.

1 Finally, the parties have agreed that Plaintiffs should be permitted to file a belated  
2 opposition to the motion to dismiss. Accordingly, Plaintiffs shall electronically file the  
3 opposition attached as Exhibit B to the Response to the Order to Show Cause, and the  
4 opposition shall be deemed timely filed. Notwithstanding the stay Order, Defendants shall file  
5 a reply brief by February 10, 2012.

6 If this matter is not transferred to the MDL, the Court will review the motion to dismiss  
7 and shall notify the parties if it believes that a hearing is necessary.

8 **IT IS SO ORDERED.**

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10 Dated: January 30, 2012

  
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12 JEFFREY S. WHITE  
13 UNITED STATES DISTRICT JUDGE  
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